

STAYED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:17-cv-01128**

ACLU Foundation of Texas, Inc. v. U.S. Customs and Border  
Protection et al  
Assigned to: Judge Vanessa D Gilmore  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/12/2017  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ACLU Foundation of Texas, Inc.**

represented by **Edgar Saldivar**  
American Civil Liberties Union of Texas  
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V.

**Defendant**

**U.S. Customs and Border Protection**

represented by **James Ryan Powers**  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
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**Defendant**

**U.S. Department of Homeland Security**

represented by **Andrew A Bobb**  
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**LEAD ATTORNEY**  
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**James Ryan Powers**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/12/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0541-18210188) filed by ACLU Foundation of Texas, Inc.. (Attachments: # <u>1</u> Complaint, # <u>2</u> Exhibit)(Saldivar, Edgar) (Entered: 04/12/2017)
04/13/2017	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 9/1/2017 at 01:30 PM in Courtroom 9A before Judge Vanessa D Gilmore. (Signed by Judge Vanessa D Gilmore) Parties notified.(LinhthuDoadi, ) (Entered: 04/13/2017)
04/20/2017	<u>3</u>	NOTICE of Related Cases by ACLU Foundation of Texas, Inc., filed. (Saldivar, Edgar) (Entered: 04/20/2017)
04/26/2017	<u>4</u>	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # <u>1</u> Continuation, # <u>2</u> Continuation, # <u>3</u> Continuation)(Saldivar, Edgar) (Entered: 04/26/2017)
04/27/2017	<u>5</u>	CERTIFICATE OF INTERESTED PARTIES by ACLU Foundation of Texas, Inc., filed.(Saldivar, Edgar) (Entered: 04/27/2017)
05/02/2017		Summons Issued as to U.S. Customs and Border Protection, U.S. Department of Homeland Security. Issued summons delivered to plaintiff by First-class mail, filed.(jdav, 4) (Entered: 05/02/2017)
05/08/2017	<u>6</u>	NOTICE of motion filed with the United States Judicial Panel on MultiDistrict Litigation to Transfer this Action Pursuant to 28 USC 1407 by U.S. Department of Homeland Security, filed. (Attachments: # <u>1</u> Exhibit index of exhibits, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Bobb, Andrew) (Entered: 05/08/2017)
05/11/2017	<u>7</u>	Letter re: Defendant's Transfer Motion, filed. (agarcia, 7) (Entered: 05/11/2017)
05/12/2017	<u>8</u>	RETURN of Service of SUMMONS Executed as to U.S. Customs and Border Protection served on 5/11/2017, answer due 7/10/2017, filed.(Saldivar, Edgar) (Entered: 05/12/2017)
05/12/2017	<u>9</u>	RETURN of Service of SUMMONS Executed as to U.S. Department of Homeland Security served on 5/11/2017, answer due 7/10/2017, filed.(Saldivar, Edgar) (Entered: 05/12/2017)
05/25/2017	<u>10</u>	Unopposed MOTION for Extension of Time Respond to Complaint by U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed. Motion Docket Date 6/15/2017. (Attachments: # <u>1</u> Proposed Order)(Bobb, Andrew) (Entered: 05/25/2017)
05/26/2017	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to Respond to Complaint; Answer due for U.S. Customs and Border Protection 7/27/2017; U.S. Department of Homeland Security 7/27/2017. (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 05/26/2017)
05/30/2017	<u>12</u>	NOTICE OF MEMORANDUM OF PLAINTIFFS, 42 AMERICAN CIVIL LIBERTIES UNION AFFILIATES, IN OPPOSITION TO DEFENDANTS MOTION FOR TRANSFER TO THE DISTRICT OF COLUMBIA FOR CONSOLIDATION re: <u>6</u> Notice (Other), by ACLU Foundation of Texas, Inc., filed. (Attachments: # <u>1</u> Exhibit)(Saldivar, Edgar) (Entered: 05/30/2017)
05/31/2017	<u>13</u>	COPIES OF DOCUMENTS FILED IN THE MDL CASE, filed.(SandraSilva, 7) (Entered: 06/01/2017)
06/02/2017	<u>14</u>	Copies of Documents Filed in the MDL Case, filed.(MonicaBalboa, ) (Additional attachment(s) added on 6/2/2017: # <u>1</u> Attachment) (MonicaBalboa, ). (Entered: 06/02/2017)

06/06/2017	<u>15</u>	NOTICE <i>Reply Notice in Support of Defendants' Motion for Transfer of Action Pursuant to 18 USC 1407</i> by U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed. (Attachments: # <u>1</u> Exhibit Reply in Support of Defendants' Motion for Transfer of Actions Pursuant to 28 USC 1407)(Bobb, Andrew) (Entered: 06/06/2017)
06/23/2017	<u>16</u>	Unopposed MOTION to Stay <i>Proceedings</i> by U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed. Motion Docket Date 7/14/2017. (Attachments: # <u>1</u> Proposed Order)(Hu, Daniel) (Entered: 06/23/2017)
06/26/2017	<u>17</u>	ORDER granting <u>16</u> Motion to Stay Proceedings Pending Decision by Judicial Panel on Multidistrict Litigation on Defendant's Motion to Transfer. In the event that the Judicial Panel on Multidistrict Litigation denies the motion to transfer, Defendants shall file their responsive pleading no later than 14 days after the date of the denial. (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 06/26/2017)
08/04/2017	<u>18</u>	NOTICE <i>UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION ORDER DENYING TRANSFER</i> by ACLU Foundation of Texas, Inc., filed. (Saldivar, Edgar) (Entered: 08/04/2017)
08/16/2017	<u>19</u>	ANSWER to <u>1</u> Complaint by U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed.(Bobb, Andrew) (Entered: 08/16/2017)
08/17/2017	<u>20</u>	Agreed MOTION for Continuance of Initial Pretrial & Scheduling Conference by ACLU Foundation of Texas, Inc., filed. Motion Docket Date 9/7/2017. (Saldivar, Edgar) (Entered: 08/17/2017)
08/22/2017	<u>21</u>	NOTICE of Appearance by James R. Powers on behalf of U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed. (Powers, James) (Entered: 08/22/2017)
08/22/2017	<u>22</u>	Memorandum and Order Regarding Discovery Motions, Motions for Summary Judgment and Analogous Motions to Dismiss. (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 08/22/2017)
08/24/2017	<u>23</u>	ORDER granting <u>20</u> Agreed MOTION for Continuance of Initial Pretrial & Scheduling Conference. (Scheduling Conference reset for 9/15/2017 at 01:30 PM in Courtroom 9A before Judge Vanessa D Gilmore) (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 08/24/2017)
09/05/2017	<u>24</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by ACLU Foundation of Texas, Inc., filed.(Saldivar, Edgar) (Entered: 09/05/2017)
09/13/2017	<u>25</u>	NOTICE of Resetting. Parties notified. Scheduling Conference set for 10/20/2017 at 01:30 PM in Courtroom 9A before Judge Vanessa D Gilmore, filed. (bthomas, 4) (Entered: 09/13/2017)
10/20/2017		Minute Entry for proceedings held before Judge Vanessa D Gilmore. SCHEDULING CONFERENCE held on 10/20/2017. A Status Report is due by 1/8/2018. Scheduling Order entered. Order to follow.. Appearances: Edgar Saldivar, Kali Cohen, James Powers.(Court Reporter: Mayra Malone), filed.(bthomas, 4) (Entered: 10/20/2017)
10/20/2017	<u>26</u>	ORDER FOR STATUS REPORT. Status Report due by 1/8/2018(Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 10/20/2017)
10/20/2017	<u>27</u>	SCHEDULING ORDER. Plaintiff to send Requests for Production and Interrogatories regarding search terms by 11/3/2017; Responses due by 12/4/2017; Status Report due by 1/8/2018. (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 10/20/2017)
11/08/2017	<u>28</u>	AO 435 TRANSCRIPT REQUEST by James R. Powers for Transcript of Scheduling Conference on 10/20/17 before Judge Gilmore. Expedited (7 days) turnaround requested. Court Reporter/Transcriber: Mayra Malone, filed. (Powers, James) (Entered: 11/08/2017)
11/17/2017	<u>29</u>	TRANSCRIPT re: Initial Conference held on October 20, 2017 before Judge Vanessa D Gilmore. Court Reporter/Transcriber Mayra Malone. Ordering Party James R. Powers Release of Transcript Restriction set for 2/15/2018., filed. (mmalone, )

		(Entered: 11/17/2017)
11/20/2017	<u>30</u>	Notice of Filing of Official Transcript as to <u>29</u> Transcript. Party notified, filed. (hcarr, 4) (Entered: 11/20/2017)
01/08/2018	<u>31</u>	STATUS REPORT by ACLU Foundation of Texas, Inc., filed.(Saldivar, Edgar) (Entered: 01/08/2018)
12/14/2018	<u>32</u>	STATUS REPORT by ACLU Foundation of Texas, Inc., filed.(Saldivar, Edgar) (Entered: 12/14/2018)
01/23/2019	<u>33</u>	Unopposed MOTION to Stay by U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed. Motion Docket Date 2/13/2019. (Attachments: # <u>1</u> Proposed Order)(Powers, James) (Entered: 01/23/2019)
01/23/2019	<u>34</u>	ORDER granting <u>33</u> Motion to Stay in Light of Lapse of Appropriations. (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 01/23/2019)
01/28/2019	<u>35</u>	NOTICE of Restoration of Appropriations re: <u>34</u> Order on Motion to Stay by U.S. Customs and Border Protection, U.S. Department of Homeland Security, filed. (Powers, James) (Entered: 01/28/2019)